

CHAPTER 181

RECEIVERSHIP UNDER REAL ESTATE MORTGAGE

S. F. 115

AN ACT relating to foreclosure of real estate mortgages; providing for the priority of liens on the rents, profits, avails and/or income derived from real estate as provided in said mortgage; defining the duty of a receiver as to leasing in such foreclosure; defining his duty as to the application of rents, profits, avails and/or income; repealing inconsistent acts and providing that it shall not affect pending litigation.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Whenever any real estate is encumbered by two or
2 more real estate mortgages which in addition to the lien upon the
3 real estate grant to the mortgagee the right to subject the rents,
4 profits, avails and/or income from said real estate to the payment of
5 the debt secured by such mortgage, the priority of the respective
6 mortgagees under the provisions of their mortgages affecting the
7 rents, profits, avails and/or incomes from the said real estate shall,
8 as between such mortgagees, be in the same order as the priority of
9 the lien of their respective mortgages on the real estate.

1 SEC. 2. In any action to foreclose a real estate mortgage where
2 a receiver is appointed to take charge of the real estate, preference
3 shall be given to the owner in actual possession, subject to approval
4 of the court, in leasing the mortgaged premises. The rents, profits,
5 avails and/or income derived from said real estate shall be applied
6 as follows:

- 7 1. To the cost of receivership.
- 8 2. To the payment of taxes due or becoming due during said re-
9 ceivership.
- 10 3. To pay the insurance on buildings on the premises and/or such
11 other benefits to the real estate as may be ordered by the court.
- 12 4. The balance shall be paid and distributed as determined by the
13 court.

1 SEC. 3. So far as the provisions of this act may conflict with other
2 acts or parts thereof the provisions of this act shall control.

1 SEC. 4. This act shall not affect pending litigation.

1 SEC. 5. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Adair
3 News, a newspaper published at Adair, Iowa, and in the Earlham Echo,
4 a newspaper published at Earlham, Iowa.

Senate File No. 115. Approved February 21, 1933.

I hereby certify that the foregoing act was published in the Adair News February 24, 1933, and the Earlham Echo March 2, 1933.

MRS. ALEX MILLER, *Secretary of State.*